

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Terry Murphy, on February 2, 2011 at 9:00 AM, in Room 303
Capitol

ROLL CALL

Members Present:

Sen. Terry Murphy, Chair (R)
Sen. Jim Shockley, Vice Chair (R)
Sen. Shannon Augare (D)
Sen. Anders Blewett (D)
Sen. Greg Hinkle (R)
Sen. Rowlie Hutton (R)
Sen. Larry Jent (D)
Sen. Cliff Larsen (D)
Sen. Lynda Moss (D)
Sen. Jim Peterson (R)

Members Excused: Sen. Jeff Essmann (R)
Sen. Chas Vincent (R)

Members Absent: None

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 187, 1/26/2011

Executive Action: SB 58-Do Pass

HEARING ON SB 187

Opening Statement by Sponsor:

00:01:08 Sen. Jim Shockley (R), SD 45, opened the hearing on SB 187, Generally revise public defender laws.

[EXHIBIT\(jus26a01\)](#)

[EXHIBIT\(jus26a02\)](#)

[EXHIBIT\(jus26a03\)](#)

[EXHIBIT\(jus26a04\)](#)

Proponents' Testimony:

None

Opponents' Testimony:

00:20:03 Scott Crichton, Executive Director, American Civil Liberties Union (ACLU)

[EXHIBIT\(jus26a05\)](#)

00:42:22 Richard "Fritz" Gillespie, Chairman, Office of Public Defender Commission

[EXHIBIT\(jus26a06\)](#)

[EXHIBIT\(jus26a07\)](#)

[EXHIBIT\(jus26a08\)](#)

01:08:33 Terry Jessee, Member, Office of Public Defender Commission

01:13:11 Peter Ohman, Regional Deputy Public Defender, Office of Public Defender (OPD) Bozeman

01:18:51 Douglas Day, Regional Deputy Public Defender, OPD

01:26:30 Sherrie Stadler, Regional Deputy Public Defender, OPD

01:26:45 Joslyn Hunt, Chief Appellate Defender, OPD

01:26:57 Randi Hood, Chief Public Defender, OPD

01:27:06 Jessie McQuillan, Director, Montana Innocence Project

[EXHIBIT\(jus26a09\)](#)

Letter received from Judge Richard Simonton, Glendive, MT

Informational Testimony:

01:27:37 Corbit Harrington, Senior Deputy County Attorney, Yellowstone County

01:33:42 Larry Epstein, Montana County Attorneys Association (MCAA)

Questions from Committee Members and Responses:

01:34:52 Sen. Jent

01:35:39 Sen. Shockley

01:39:05 Sen. Murphy

01:56:04 Sen. Jent
 01:57:00 Ms. Hood
 02:05:55 Sen. Augare
 02:06:21 Sen. Shockley
 02:08:25 Sen. Moss
 02:10:04 Mr. Gillespie
 02:12:12 Sen. Moss
 02:12:43 Sen. Shockley
 02:13:19 Sen. Larsen
 02:14:09 Sen. Shockley
 02:16:21 Sen. Moss
 02:17:19 Mr. Crichton

Closing by Sponsor:

02:19:38 Sen. Shockley
[EXHIBIT\(jus26a10\)](#)
[EXHIBIT\(jus26a11\)](#)

(Sen. Peterson absent from room)

EXECUTIVE ACTION ON SB 58

02:27:25 **Motion:** Sen. Moss moved that **SB 58 DO PASS.**

Discussion:

02:27:40 Sen. Hutton
 02:29:01 Sen. Moss
 02:30:00 Sheryl Wood, Associate Director, Montana Association of Counties (MACo)
 02:35:04 Sen. Moss
 02:35:43 Jessie McQuillan, Montana Innocence Project
 02:37:18 Sen. Hinkle
 02:38:10 Sen. Larsen
 02:39:17 Sen. Augare
 02:41:12 Sen. Jent
 02:42:39 Sen. Shockley
 02:45:21 Sen. Moss
 02:46:15 Sen. Murphy

02:47:15 **Vote:** Motion carried 8-4 by roll call vote with Sen. Essmann, Sen. Hinkle, Sen. Peterson and Sen. Vincent voting no. Sen. Essmann, Sen. Peterson and Sen. Vincent voted by proxy.

ADJOURNMENT

Adjournment: 11:48 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus26aad.pdf](#))